



राजपत्र, हिमाचल प्रदेश

हिमाचल प्रदेश राज्य शासन द्वारा प्रकाशित

शिमला, शनिवार, 26 दिसम्बर, 2009/5 पौष, 1931

हिमाचल प्रदेश सरकार

LAW DEPARTMENT (Legislation)

NOTIFICATION

Shimla-2, the 26th November, 2009

No. LLR-A(3)-1/2009-Leg.—The following Ordinances promulgated by the President and published in the Gazette of India, Extra-Ordinary, Part-II, Section-I are hereby republished in the H. P. Rajpatra for the information of the general public :—

Sl. No.	Title	Date of the Gazette of India in which this Ordinance was published
1.	The Competition (Amendment) Ordinance, 2009 (Ordinance No. 6 of 2009).	14-10-2009
2.	The Jharkhand Contingency Fund (Amendment) Ordinance, 2009 (Ordinance No. 7 of 2009).	20-10-2009

3.	The Central Universities (Amendment) Ordinance, 2009 (Ordinance No. 8 of 2009).	20-10-2009
4.	The Essential Commodities (Amendment and Validation) Ordinance, 2009 (Ordinance No. 9 of 2009).	21-10-2009

By order,

A. C. DOGRA,
LR-cum-Secretary.

MINISTRY OF LAW AND JUSTICE
(Legislative Department)

New Delhi, the 14th October, 2009/Asvina 22, 1931 (Saka)

THE COMPETITION (AMENDMENT) ORDINANCE, 2009

No. 6 OF 2009

Promulgated by the President in the Sixtieth Year of the Republic of India.

An Ordinance further to amend the Competition Act, 2002.

WHEREAS Parliament is not in session and the President is satisfied that circumstances exist which render it necessary for her to take immediate action;

NOW, THEREFORE, in exercise of the powers conferred by clause (1) of Article 123 of the Constitution, the President is pleased to promulgate the following Ordinance :—

1. Short title and commencement.—(1) This Ordinance may be called the Competition (Amendment) Ordinance, 2009.

(2) It shall come into force at once.

2. Amendment of section 66 of Act 12 of 2003.—In section 66 of the Competition Act, 2002,—

(a) in sub-section (1), the proviso and the *Explanation* thereto shall be omitted;

(b) in sub-section (3), for the words, brackets and figure "after the expiry of two years referred to in the proviso to sub-section (1)", the words, brackets and figures "on the commencement of the Competition (Amendment) Ordinance, 2009" shall be substituted;

(c) in sub-section (4), for the words, brackets and figure "on or before the expiry of two years referred to in the proviso to sub-section (1)", the words, brackets and figures "immediately before the commencement of the Competition (Amendment) Ordinance, 2009, shall, on such commencement" shall be substituted;

(d) in sub-section (5), for the words, brackets and figure "after the expiry of two years referred to in the proviso to sub-section (1)", the words, brackets and figures "on the commencement of the Competition (Amendment) Ordinance, 2009" shall be substituted.

PRATIBHA DEVISINGH PATIL,
President.

T. K. VISWANATHAN,
Secy. to the Govt. of India.

MINISTRY OF LAW AND JUSTICE
(Legislative Department)

New Delhi, the 20th October, 2009/Asvina 28, 1931 (Saka)

THE JHARKHAND CONTINGENCY FUND (AMENDMENT)
ORDINANCE, 2009

No. 7 OF 2009

Promulgated by the President in the Sixtieth Year of the Republic of India.

An Ordinance to amend the Jharkhand Contingency Fund Act, 2001.

WHEREAS, by a Proclamation issued on the 19th day of January, 2009 by the President under Article 356 of the Constitution, the powers of the Legislature of the State of Jharkhand have been declared to be exercisable by or under the authority of Parliament;

AND WHEREAS, Parliament is not in session and the President is satisfied that circumstances exist which render it necessary for her to take immediate action;

NOW, THEREFORE, in exercise of the powers conferred by clause (1) of Article 123 of the Constitution, and of all other powers enabling her in that behalf, the President is pleased to promulgate the following Ordinance :—

1. Short title and commencement.—(1) This Ordinance may be called the Jharkhand Contingency Fund (Amendment) Ordinance, 2009.

(2) It shall come into force at once.

2. Amendment of section 4 of Jharkhand Act 9 of 2001.—In section 4 of the Jharkhand Contingency Fund Act, 2001, the following proviso shall be inserted, namely :—

'Provided that during the period beginning on the date of commencement of the Jharkhand Contingency Fund (Amendment) Ordinance, 2009 and ending on the 31st day of March,

2010, this section shall have effect subject to the modification that for the words "one hundred and fifty crore rupees", the words "five hundred crore rupees" shall be substituted.'

PRATIBHA DEVISINGH PATIL,
President.

T. K. VISWANATHAN,
Secy. to the Govt. of India.

MINISTRY OF LAW AND JUSTICE
(Legislative Department)

New Delhi, the 20th October, 2009/Asvina 28, 1931 (Saka)

THE CENTRAL UNIVERSITIES (AMENDMENT) ORDINANCE, 2009

No. 8 OF 2009

Promulgated by the President in the Sixtieth Year of the Republic of India.

An Ordinance further to amend the Central Universities Act, 2009.

WHEREAS Parliament is not in session and the President is satisfied that circumstances exist which render it necessary for her to take immediate action;

NOW, THEREFORE, in exercise of the powers conferred by clause (1) of Article 123 of the Constitution, the President is pleased to promulgate the following Ordinance :—

1. Short title and commencement.—(1) This Ordinance may be called the Central Universities (Amendment) Ordinance, 2009.

(2) It shall come into force at once.

2. Insertion of section 3A.—After section 3 of the Central Universities Act, 2009 (25 of 2009) hereinafter referred to as the principal Act), the following section shall be inserted, namely:—

"3A. Special provision with respect to the State of Jammu and Kashmir.—(1) The Central University of Jammu and Kashmir established under sub-section (4) of section 3 shall be known as the Central University of Kashmir, and its territorial jurisdiction shall be limited to the Kashmir Division of the State of Jammu and Kashmir.

(2) There shall be established university, which shall be a body corporate, to be known as the Central University of Jammu having its territorial jurisdiction extending to the Jammu Division of State of Jammu and Kashmir.

(3) All assets and liabilities of the Central University of Jammu and Kashmir in respect of the territory of Jammu Division of the State of Jammu and Kashmir shall stand transferred to be the assets and liabilities of the Central University of Jammu.

(4) Anything done or any action taken by the University of Jammu and Kashmir in respect of the territory of Jammu Division of the State of Jammu and Kashmir shall be deemed to have been done or taken by the Central University of Jammu.

(5) Any suit or legal proceedings instituted or continued by or against the Central University of Jammu and Kashmir in respect of the territory of Jammu Division of the State of Jammu and Kashmir shall be deemed to be instituted or continued by or against of the Central University of Jammu."

3. Amendment of the First Schedule to the principal Act.—In the First Schedule to the principal Act, for serial number 5 and the corresponding entries against it, the following serial numbers and entries shall be substituted, namely :—

<i>Serial No.</i>	<i>Name of the State</i>	<i>Name of the University</i>	<i>Territorial Jurisdiction</i>
"5.	Jammu and Kashmir	Central University of Kashmir.	Kashmir Division of the State of Jammu and Kashmir.
5A.	Jammu and Kashmir	Central University of Kashmir.	Jammu Division of the State of Jammu and Kashmir.

PRATIBHA DEVISINGH PATIL,
President.

V. K. BHASIN,
Secy. to the Govt. of India.

MINISTRY OF LAW AND JUSTICE
(Legislative Department)

New Delhi, the 21st October, 2009/Asvina 29, 1931 (Saka)

THE ESSENTIAL COMMODITIES (AMENDMENT AND VALIDATION)
ORDINANCE, 2009

No. 9 OF 2009

Promulgated by the President in the Sixtieth Year of the Republic of India.

An Ordinance further to amend the Essential Commodities Act, 1955 and to make provisions for validation of certain orders issued by the Central Government determining the price of levy sugar and actions taken under those orders and for matters connected therewith.

WHEREAS the Supreme Court, in *Modi Industries Ltd. and Another versus Union of India and Ors* [T. C.(Civil) No. 9/1990] on the 20th February, 1996 and later on in *Bharat Sugar Mills Ltd. and Another versus Union of India and Others* [T. C.(Civil) Nos. 15-17/1993] on the 19th August, 1998 and in *Union of India and Others versus Triveni Engineering Works Ltd. and Others* [(1999) (9) SCC 245] on the 2nd February, 1999, upheld the determination of price of levy sugar in respect of the sugar season 1982-1983 by taking note of the fact that while determining the price of levy sugar neither the additional price under clause 5A of the Sugarcane (Control) Order, 1966 nor the mopping of excess realization were factored into consideration;

AND WHEREAS the Supreme Court in *Mahalakshmi Sugar Mills Company Limited and Another versus Union of India and Others* [2008 (6) Scale 275] by its judgment dated the 31st March, 2008 has considered the scope and ambit of sub-section (3C) of section 3 of the Essential Commodities Act, 1955 and construed in relation to the sugar seasons 1983-1984 and 1984-1985 that both the additional price paid to the cane growers in terms of clause 5A of the Sugarcane (Control) Order, 1966 made under the said Act and the State Advised Price (SAP) or actual price of sugarcane paid should be factored in the computation of price of levy sugar.

AND WHEREAS there have been conflicting decisions as to the factors to be taken into consideration in determining the price of levy sugar;

AND WHEREAS it has become necessary to clarify for certainty and to have a uniform policy and factors to be taken into consideration for the determination of price of levy sugar and also to clarify that the State Governments declaring the SAP also bear the additional expenditure connected thereto in so far as the impact on price of levy sugar in respect of sugar factories located in those States is concerned;

AND WHEREAS Parliament is not in session and the President is satisfied that circumstances exist which render it necessary for her to take immediate action;

NOW, THEREFORE, in exercise of the powers conferred by clause (1) of Article 123 of the Constitution, the President is pleased to promulgate the following Ordinance :—

1. Short title and commencement.—(1) This Ordinance may be called the Essential Commodities (Amendment and Validation) Ordinance, 2009.

(2) It shall come into force at once.

2. Amendment of section 3 of Act 10 of 1955.—In section 3 of the Essential Commodities Act, 1955 (hereinafter referred to as the principal Act)—

(a) in sub-section (3C), the existing *Explanation* shall be numbered as *Explanation I*, and after *Explanation I* as so numbered, the following *Explanation* shall be inserted and shall be deemed to have been inserted, with effect from 1st day of October, 1974, namely:—

Explanation II.—For the removal of doubts, it is hereby declared that the expressions "minimum price" referred to in clause (a), "manufacturing cost of sugar" referred to in clause (b) and "reasonable return in the capital employed" referred to in clause (d) do not include the additional price of sugarcane paid or payable under clause 5A of the Sugarcane (Control) Order, 1966 and the price paid or payable under any order or enactment of any State Government and any price agreed to between the producer and the grower of sugarcane or a sugarcane growers' co-operative society';

(b) on and from the 1st day of October, 2009, for sub-section (3C) and the *Explanations* thereunder, the following shall be, and shall be deemed to have been substituted, namely :—

'(3C) Where any producer is required by an order made with reference to clause (f) of sub-section (2) to sell any kind of sugar (whether to the Central Government or to a State Government or to an officer or agent of such Government or to any other person or class of persons) and either no notification in respect of such sugar has been issued under sub-section (3A) or any such notification, having been issued, has ceased to remain in force by efflux of time, then, notwithstanding anything contained in sub-section (3), there shall be paid to that producer an amount therefor which shall be calculated with reference to such price of sugar as the Central Government may, by order, determine, having regard to—

(a) the fair and remunerative price, if any, fixed for sugarcane by the Central Government under this section;

(b) the manufacturing cost of sugar;

(c) the duty or tax, if any, paid or payable thereon; and

(d) the securing of a reasonable return on the capital employed in the business of manufacturing of sugar,

and different prices may be determined from time to time for different areas or for different factories or for different kinds of sugar:

Provided that where only provisional determination of levy sugar has been done in respect of sugar produced upto the sugar season 2008-2009, the final determination may be done under this sub-section as it stood immediately before the 1st day of October, 2009.

Explanation.—For the purposes of this sub-section,—

(a) "fair and remunerative price" means the price of sugarcane fixed by the Central Government under this section ;

(b) "manufacturing cost of sugar" means the net cost incurred on conversion of sugarcane into sugar including net cost of transportation of sugarcane from the purchase centre to factory gate, to the extent it is borne by the producer;

(c) "producer" means a person carrying on the business of manufacturing sugar;

(d) "reasonable return on the capital employed" means the return on net fixed assets plus working capital of a producer in relation to manufacture of sugar including procurement of sugarcane on fair and remunerative price fixed under this section.'

3. Validation of action taken, etc., under specified orders issued under sub-section (3C) of section 3 of the principal Act.—(1) Notwithstanding anything contained in any judgment, decree or order of any court, tribunal or other authority—

(a) all things done or all actions taken by the Central Government under the specified orders shall be deemed to be and deemed to have always been done or taken in accordance with law;

(b) no suit or other proceedings shall be instituted, maintained or continued in any court, tribunal or other authority for the payment or adjustment of any payment in relation to the determination of price of levy sugar under any specified order;

(c) no court shall enforce any decree or order directing any payment in relation to the determination of price of levy sugar under any specified order;

(d) no claim or challenge shall be made in, or entertained by any court, tribunal or other authority on the ground that the Central Government did not take into consideration any factors specified in sub-section (3C) of section 3 of the principal Act in the determination of price of levy sugar under any specified order.

(2) In this section, "specified order" means any order relating to the determination of price of sugar issued under sub-section (3C) of section 3 of the principal Act before the commencement of this Ordinance in relation to sugar produced in any sugar season up to and including sugar season 2008-2009.

PRATIBHA DEVISINGH PATIL,
President.

V. K. BHASIN,
Secy. to the Govt. of India.

अपारम्परिक उर्जा स्रोत विभाग

अधिसूचना

शिमला-2, 24 दिसम्बर, 2009

संख्या NES-एफ(5)3/2006.—1. यतः हिमाचल प्रदेश के राज्यपाल को यह प्रतीत होता है कि मैसर्स **Mangalam Energy Dev. Co (P) Ltd., 605, Ansal Bhawan, 16_Kasturba Gandhi Marg, New Delhi** जो कि भूमि अर्जन अधिनियम, 1894 (1894 का पहला अधिनियम) की धारा-3 के खण्ड (ई) के अन्तर्गत एक कम्पनी है, के द्वारा अपने व्यय पर कम्पनी के प्रयोजन हेतु नामतः गांव भराड़ी (चन्दोग) उप-तहसील नोहरा, जिला सिरमौर, हि0प्र0 में पलोर-2 (4.50 मै.वा.) लघु जल विद्युत परियोजना के निर्माण हेतु भूमि अर्जित करनी अपेक्षित है, अतएव: एतद्वारा यह अधिसूचित किया जाता है कि उक्त परिक्षेत्र में जैसा कि निम्न विवरणी में निर्दिष्ट किया गया है उपरोक्त प्रयोजन के लिए भूमि का अर्जन अपेक्षित है ।

2. यह अधिसूचना ऐसे सभी व्यक्तियों को जो इससे सम्बन्धित हैं या हो सकते हैं की जानकारी के लिए भू-अर्जन अधिनियम, 1894 की धारा-4 के उपबन्धों के अन्तर्गत जारी की जाती है ।

3. पूर्वोक्त धारा द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए राज्यपाल, हिमाचल प्रदेश इस समय इस उपक्रम में कार्यरत सभी अधिकारियों उनके कर्मचारियों और श्रमिकों को इलाके की किसी भी भूमि में प्रवेश

करने और सर्वेक्षण करने और उस धारा द्वारा अपेक्षित अथवा अनुमत: सभी अन्य कार्यों को करने के लिए सहर्ष प्राधिकार देते हैं ।

4. अत्यधिक आवश्यकता को दृष्टि में रखते हुए राज्यपाल, हिमाचल प्रदेश उक्त अधिनियम की धारा-17 की उपधारा (4) के अधीन यह भी निर्देश देते हैं कि उक्त अधिनियम की धारा-5 ए के उपबन्ध इस मामले में लागू नहीं होंगे ।

5. भूमि के रेखांक का निरीक्षण भू-अर्जन समाहर्ता एवं उप-मण्डलाधिकारी (ना0) नाहन जिला सिरमौर के कार्यालय में किया जा सकता है ।

विवरणी

जिला	उप-तहसील	गांव	खसरा नम्बर	रकवा (बीघों में)
सिरमौर	नोहरा	भराड़ी (चन्दोग)	287 / 1	01-00-00
			2787 / 2	02-09-00
			2787 / 3	00-10-00
			2795 / 1	00-18-00
			2777 / 1	01-03-00
			2785 / 1	00-05-00
			2870 / 1	00-05-00
			2768 / 1	01-09-00
			2826	01-06-00
			2786 / 1	11-02-00
			3078 / 2811 / 1	03-09-00
			2815 / 1	00-04-00
			2859 / 1	00-02-00
			2849 / 1	00-08-00
			1986 / 1	00-06-00
			1984 / 1	00-06-00
			1985 / 1	00-16-00
			1987 / 1	05-07-00
			2769 / 1	00-03-00
			किता-19 कुल	31-08-00

आदेश द्वारा,
हस्ताक्षरित /—
प्रधान सचिव ।

ब अदालत कार्यकारी दण्डाधिकारी, Jawalamukhi, तहसील Jawalamukhi, जिला कांगड़ा, हिमाचल प्रदेश
ब मुकद्दमा :

Ramesh Dutt

बनाम

General Public

दरखास्त जेर धारा 13 (3) जन्म तिथि एवं मृत्यु पंजीकरण अधिनियम, 1969.

श्री Rameshwar Dutt ने इस अदालत में दरखास्त दी है कि उसके पुत्र का जन्म पंचायत रजिस्टर में गलती से दर्ज न करवाया गया है। अब दर्ज किया जावे। उसके पुत्र की जन्म तिथि 15-5-2002 है तथा बच्चे का जन्म Panjiara गांव में हुआ है।

अतः इस नोटिस द्वारा समस्त जनता तथा सम्बन्धित रिश्तेदारों को सूचित किया जाता है कि यदि किसी को इसका नाम दर्ज करने बारे कोई आपत्ति या उजर हो तो वह दिनांक 4-2-2010 समय 10.00 बजे प्रातः स्वयं अथवा किसी वान्छित के माध्यम से हमारे समक्ष अदालत में हाजिर आ कर पेश करें अन्यथा एक तरफा कार्यवाही अमल में लाई जाएगी।

आज दिनांक 1-12-2009 को हमारे हस्ताक्षर व मोहर अदालत से जारी हुआ।

मोहर।

हस्ताक्षरित /—
कार्यकारी दण्डाधिकारी, Jawalamukhi,
तहसील Jawalamukhi, जिला कांगड़ा, हिमाचल प्रदेश।
